

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 18, 2005

Division: Administration

Bulk Item: Yes No X

Department: Administration

Staff Contact Person: Tom Willi

AGENDA ITEM WORDING:

Presentation by the Key Largo Chamber of Commerce on the purchase of potential park properties with waterfront access.

ITEM BACKGROUND:

At the March BOCC meeting, staff received direction to earmark 20 million dollars for the potential purchase of waterfront properties. The Chamber was recommending the purchase of the Rowell's parcel but unfortunately, the property is under contract and no longer available.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:**STAFF RECOMMENDATIONS:**

TOTAL COST: TBD

BUDGETED: Yes _____ No X

COST TO COUNTY: TBD

SOURCE OF FUNDS: Bond

REVENUE PRODUCING: Yes No X AMOUNT PER MONTH Year ____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: Thomas J. Willi
(TYPE NAME HERE)

DOCUMENTATION: Included X Not Required_____

DISPOSITION:	AGENDA ITEM #
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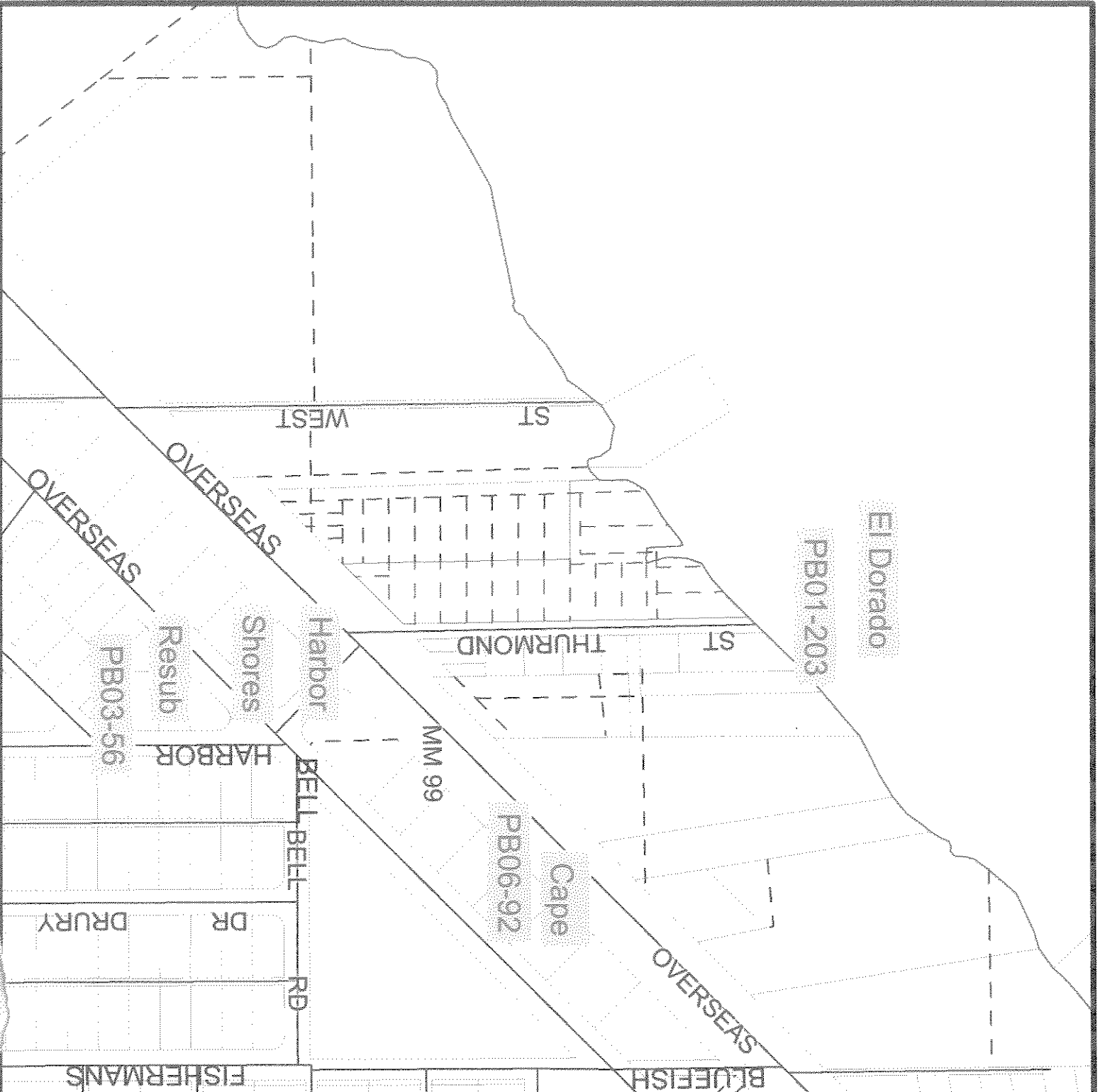
Proposed Key Largo Bayfront Park

Ervin A Higgs, CFA
 Monroe County
 Property Appraiser

Title Line 1

- Subdivision Text
- Hooks_Leads
- Lot Lines
- Road Names
- Road Names2
- Road Centerlines
- Water Names
- Parcels
- Shoreline

1 in. = 262.5 feet

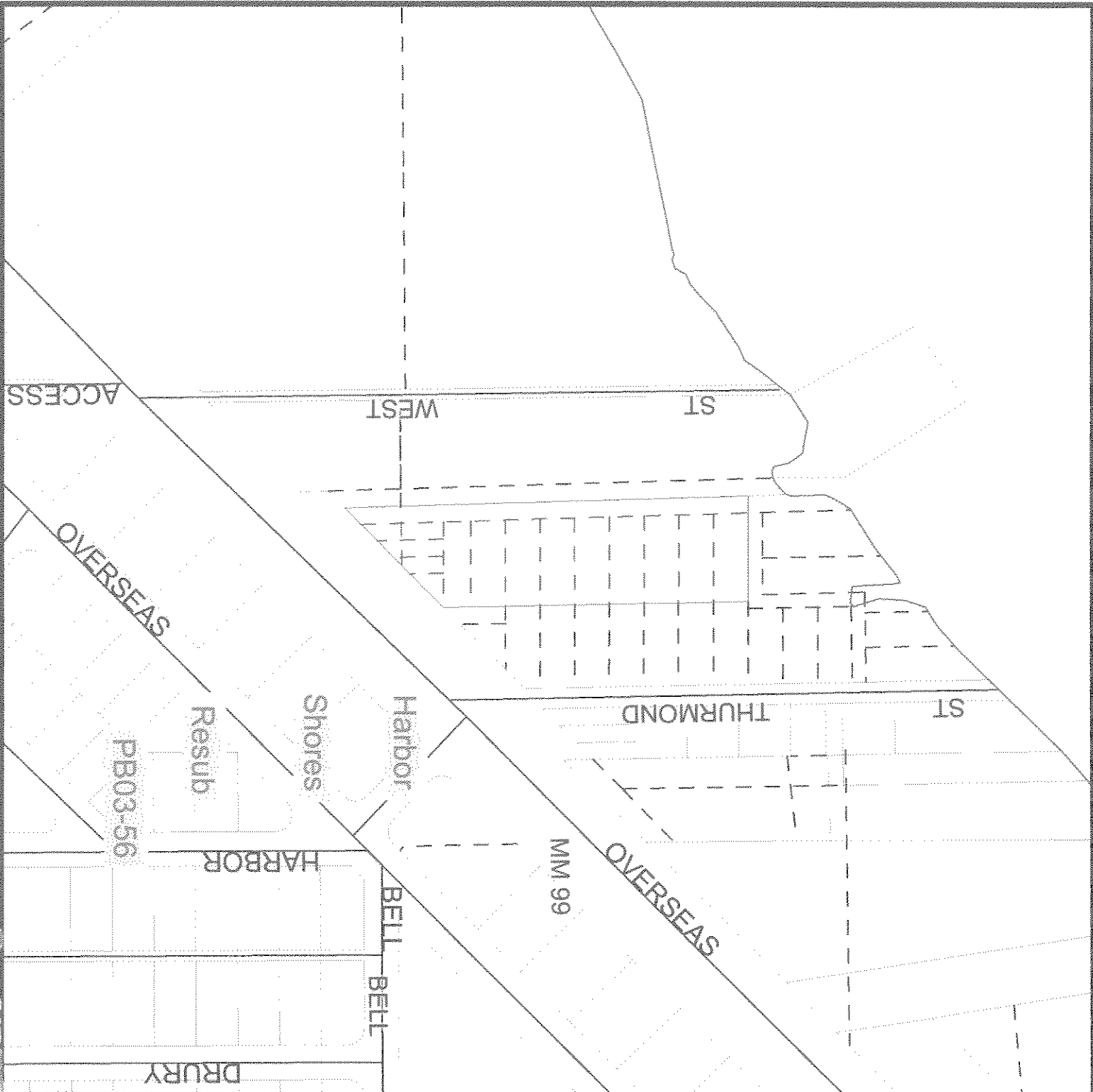


Ervin A Higgs, CFA
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Property Appraiser

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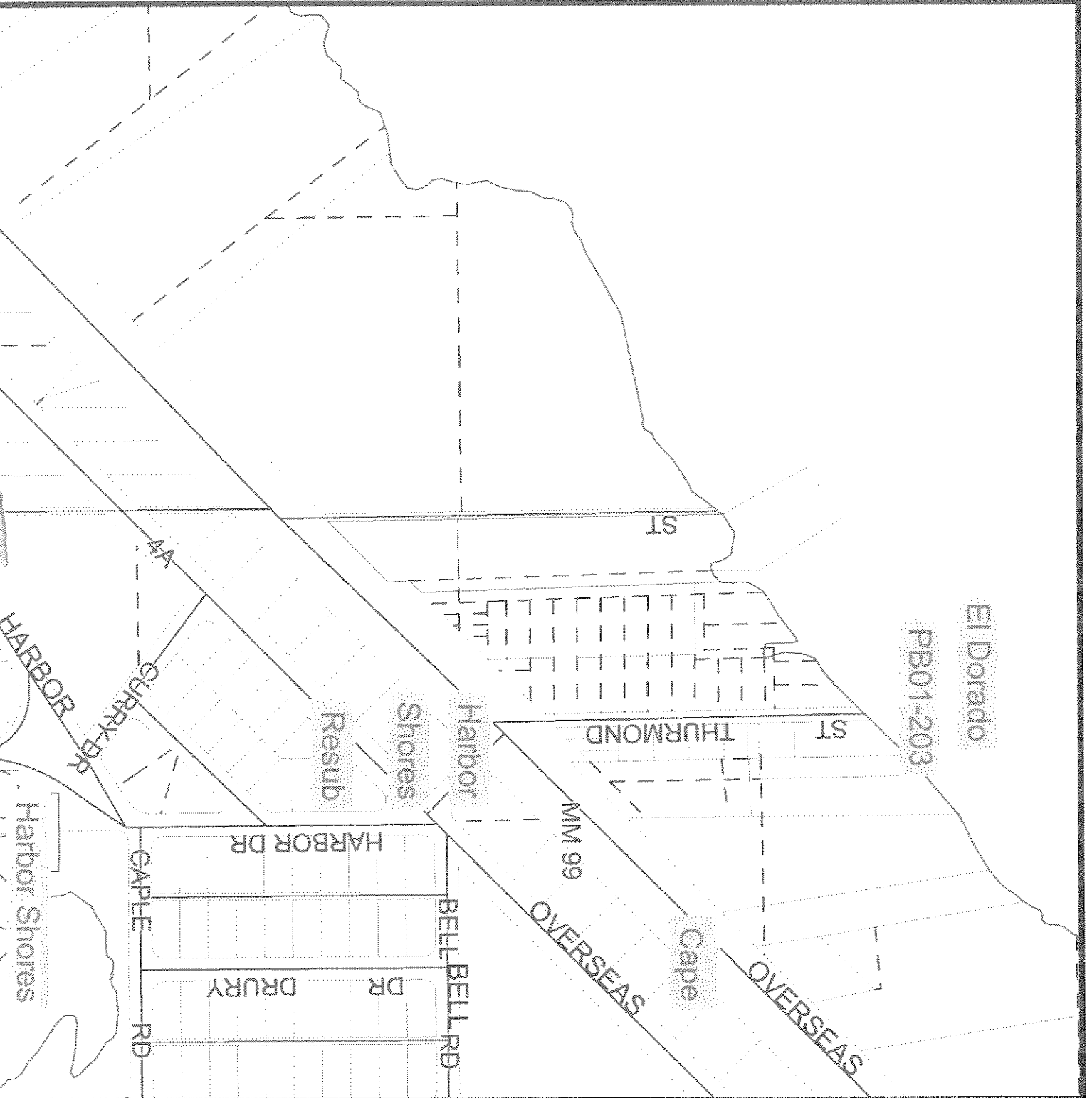
- Subdivision Text
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1 in. = 194.8 feet



El Dorado

PB01-203

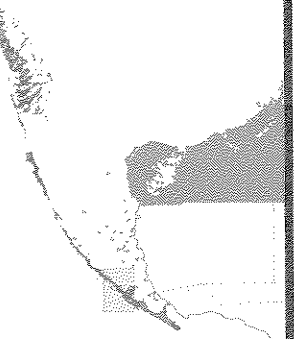


Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

- Subdivision Text
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- Parcels
- Shoreline

1 in. = 289.1 feet



FACT SHEET – 2 Thurmond Street



Zoned SR

4.3 +/- acres

370 +/- feet of bay frontage

Concrete seawall

Finger pier dock with concrete pilings

Concrete boat house

3 bedroom, 2 bath residence

2 bay free-standing CBS garage

Almost completely fenced with 5 gates

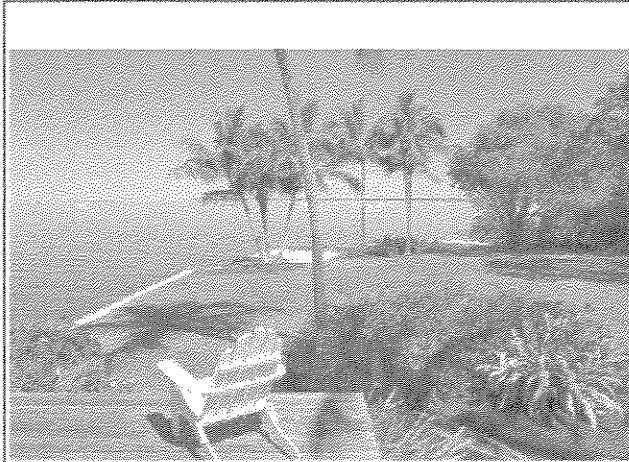
Lawn sprinkling system

Tiki hut

Tropical landscaping

Prepared By
MARR PROPERTIES INC.
 305-451-4078
MARGARET for JOY
 99900 OVERSEAS HWY
 KEY LARGO, FL 33037

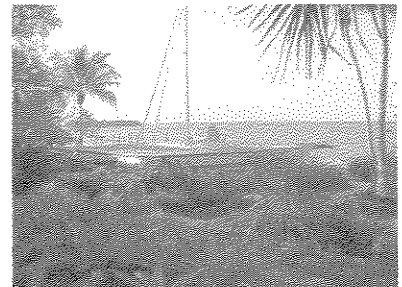
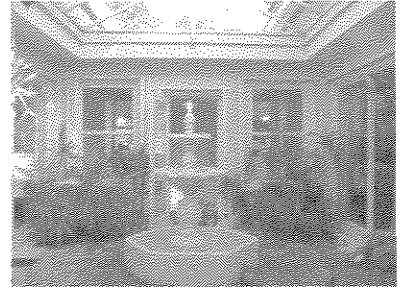
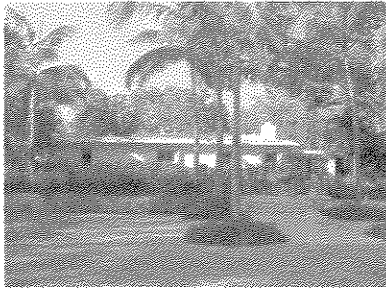
2 Thurmond St, Key Largo
Key Largo
\$4,999,999



* Range Price Listing

Price \$4,999,999	Style Single Family	Stat Active
MLS # 526520	Beds 3 FB/HB 2/0	Yr Blt 1966
Addr 2 Thurmond St, Key Largo		Unit
Key Key Largo		Approx SF 0
Subdiv El Dorado Heights		Taxes 9,348
Mi Mrk 99.00	Zoning SR	Maint Fee 0
Area 27	Water Front Y	Tot Units 0
Rented N	Rent Min	Max
		Exclusive R

Private, secluded 4.3 +/- acre bayfront estate in a lush tropical setting with 370 +/- feet of bay frontage. Locale of the annual Goddesses in the Garden Party. Stunning bay views from the master suite, living room and pool area. CBS residence is centered around a courtyard with fountain. Property includes free-standing CBS garage, an orchid house, in-ground pool with fullyscreened enclosure, CBS boat house and concrete dockage as well as a finger pier dock with concrete pilings. Alarm system, lawn sprinkling system; new roof less than one year ago. A large tiki hut, brick pavers and native plantings & trees enhance the tropical atmosphere. A magnificent island oasis in the heart of Key Largo!

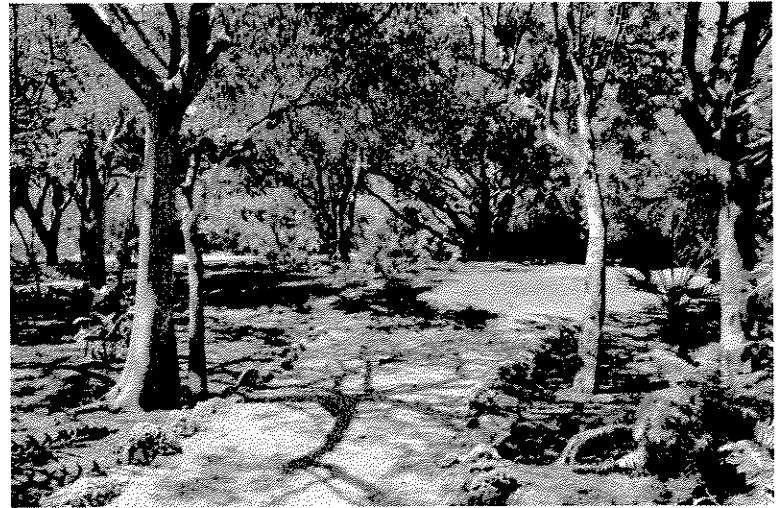
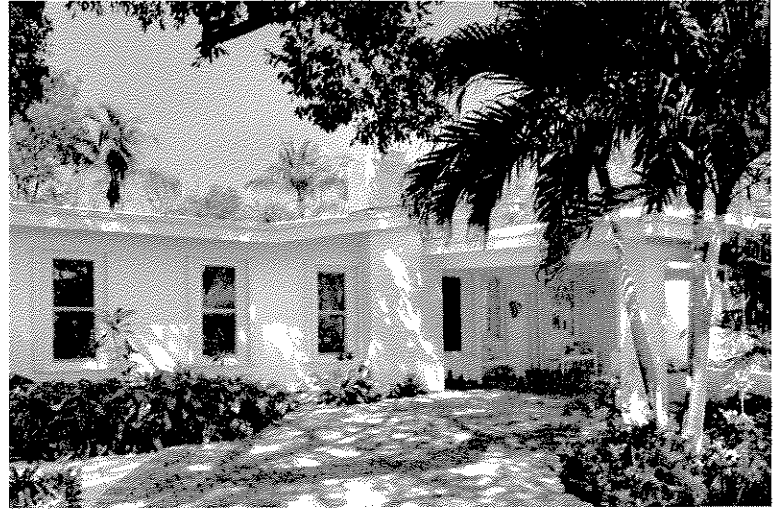


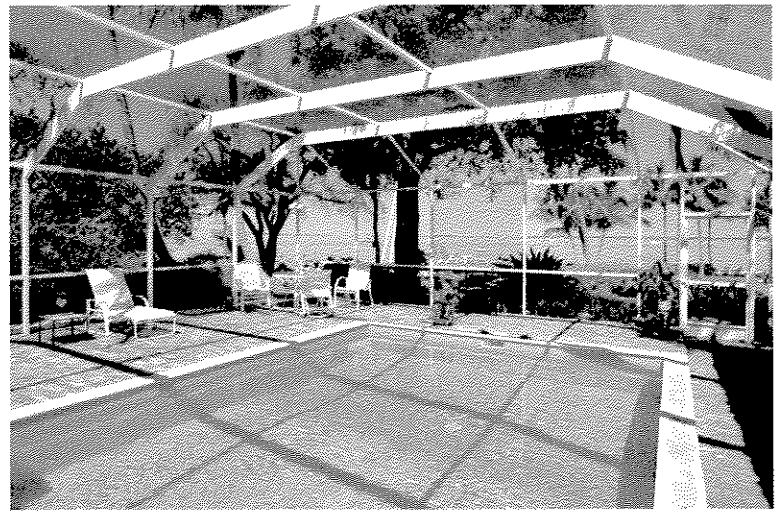
Legal: 32 61 39 Island Of Key Largo

All information is deemed reliable but not guaranteed. Prospective purchasers should verify the information to their own satisfaction.
 All dimensions are approximate.

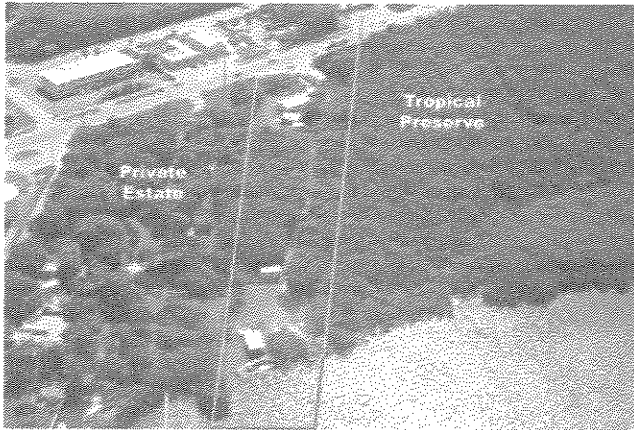
04/14/2005 03:13:54







FACT SHEET – 98990 Overseas Highway



Zoned SR

2.67 +/- acres plus bay bottom

Private Dock

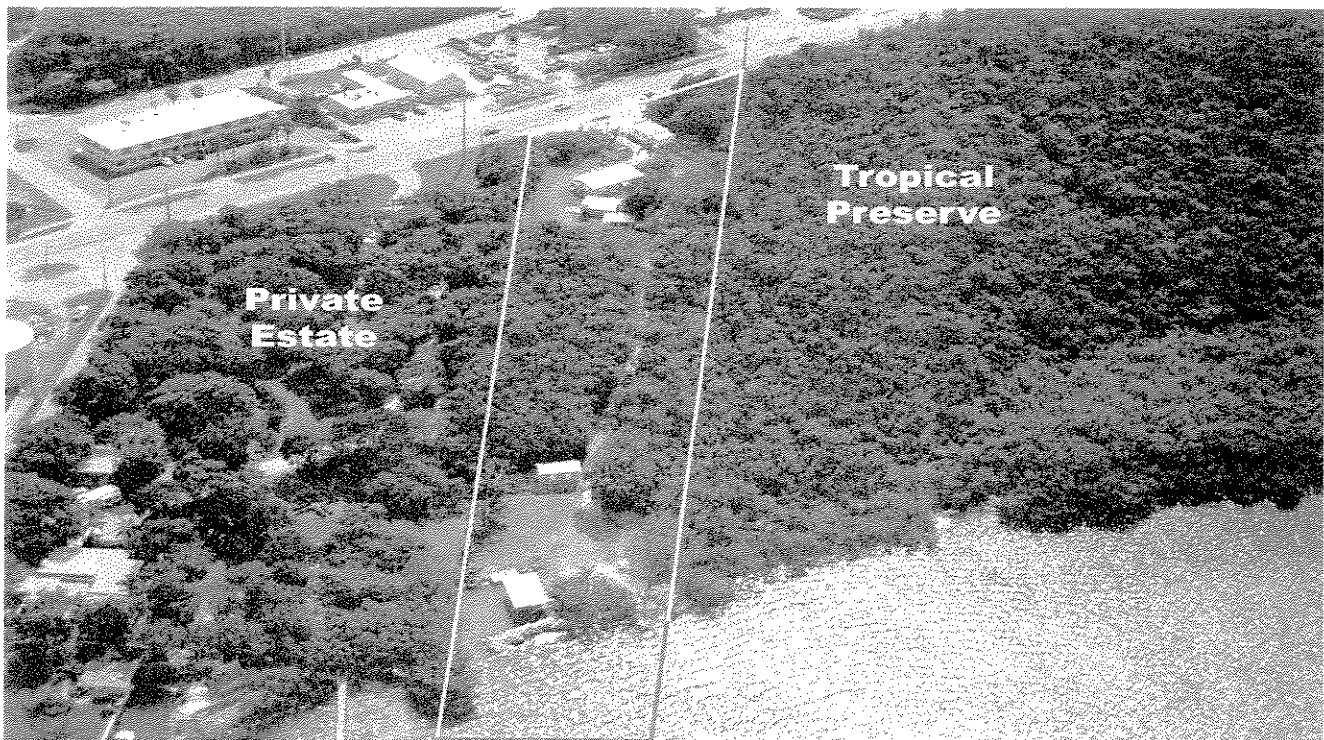
Boat Basin *

3 bedroom, 2 bath residence

*** NOTE: Part of this boat basin belongs to property next door, 2 Thurmond Street**

3 Bay Front Acres

Key Largo, Florida



98990 Overseas Highway

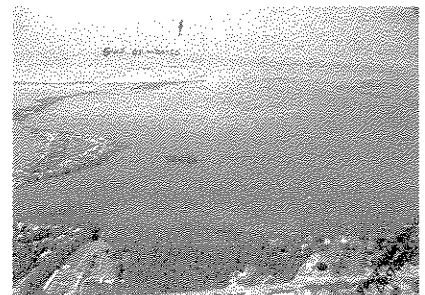
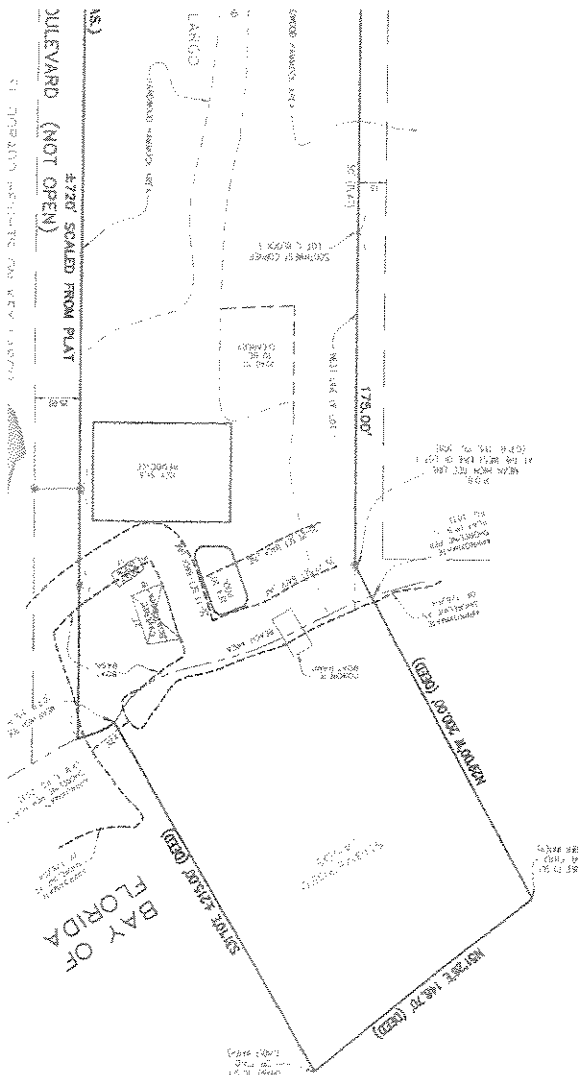
Beautiful and hard to come by Bay Front Land in Key Largo, located just past mile marker 99.

Approximately 3 acres from US1 to the Bay nestled between Tropical Preserve and a Private Estate.

Property features spectacular Bay views, private boat basin and dock.

Approved site plan for Single Family Home, Pool and Guest House, included in the sale of the property. Current 1958 built 3 bedroom, 2 bathroom home can remain on property and be used as an additional guest house.

Offered for... \$2,950,000



For Information Call:

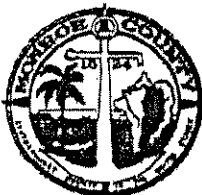
Drew Kern

305.282.3000

305.667.8871 (402)



Growth Management Division
2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners
Mayor Murray E. Nelson, Dist. 5
Mayor Pro Tem David P. Rice, Dist. 4
Commissioner Dixie Spehar, Dist. 1
Commissioner George Neugent, Dist. 2
Commissioner Charles "Sonny" McCoy, Dist. 3

October 8, 2004

The Kern Company
Attn: Mr. Jim Kern
9990 SW 77th Ave. Suite 302
Miami, FL 33156

SUBJECT: PRE-APPLICATION CONFERENCE LETTER OF UNDERSTANDING FOR THE REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE (SFR) INTO A BEDROOM SUITE; REBUILDING A NEW SFR ONSITE; AND THE OFFSITE TRANSFER OF COMMERCIAL SQUARE FEET. PROPERTY IS LOCATED AT APPROXIMATELY MILE MARKER 99, KEY LARGO, FLORIDA, 33037, REAL ESTATE NUMBER 00088170.000000.

Dear Mr. Kern,

Pursuant to Section 9.5-43 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding. On October 8, 2004, a Pre-application Conference regarding the above referenced project was held at the Monroe County Planning Department office on Plantation Key.

Representing the Kern Company were: Jim Kern, Peter D. Bacheler, James S. Lupino, and David Ettman, (hereafter collectively referred to as "the applicants"). Also attending the meeting were the following: Joel Reed, Planner and Niko Reisinger, Senior Biologist (hereafter collectively referred to as the "Planning Staff") for the Planning Department.

Materials presented for review prior to the meeting included:

- a) Pre-Application conference request form; and
- b) Raised sealed survey of the property 07/06/04.

Items discussed at the meeting included:

- 1) The property is 2.67 acres and is located at approximately Mile Marker 99 on Key Largo Key and the Real Estate Number is 00088170.000000. The Monroe County land use district is Suburban Residential (SR) and the Future Land Use Map designation (FLUM) is Residential Low (RL).

5th Draft, October 12, 2004
LOU Jim Kern

Page 1 of 6

- 2) The property currently consists of: a commercial building that is located adjacent to US 1; a single family home, near the front of the property adjacent to which is a large storage shed and carport; and near the shoreline of the property sits another building, previously a residence though 1958, at which time the current single family home on the property was built and since then the old residence has only been used for storage.
- 3) Based on Goal 104 of the Monroe County Comprehensive Plan which states "Monroe County shall recognize, designate, protect, and preserve its historic resources" and a conversation with the current owner of the property Mr. Paul Santini, it appears that a structure on site, near the shoreline of the property, may be considered "historic". Staff advises coordination with George Born, Historic Preservationist with the Historic Florida Keys Foundation at 305-292-6718 or with Staff Advisor, Jason King (Planner) who can be reached at 305-852-7102.
- 4) The property is located in a split flood zone with the following designations: X zone adjacent to US1, then AE10, VE12 and VE 14 as you approach the shoreline on Florida Bay. All new structures will be required to comply with the most restrictive flood zone requirements that the individual structures are located within. Only a survey providing elevations at different points on the property will determine what the elevation is.
- 5) The applicant is interested in converting the single family residence on the property to a bedroom suite; building a new single family residence closer to Florida Bay; and removing a commercial structure along with off site transfer of the commercial square footage.
- 6) Based on Section 9.5-262, 0.5 units per acre are the allocated densities in SR Land Use districts. Therefore, two (2) acres of land is needed to support a single family residence (SFR). Based upon 2.67 upland acres at the site there is sufficient acreage in order to support the SFR on site.
- 7) Additional to the two (2) acres required for the SFR, there would be .67 allocated acres remaining of transferable development rights on site. Transferable development rights must comply with the requirements of Section 9.5-265 of the Monroe County Land Development Regulations (LDR's).
- 8) The SFR that currently sits on the site was constructed in 1958. The 9/21/2004 property record card indicates that the SFR was constructed in 1958 and had a homestead exemption from 1982 through 1993 and from 1996 through 2002. Therefore, with the conversion of the current SFR to a bedroom suite, the new SFR proposed to be located near Florida Bay would be ROGO exempt.
- 9) The applicant was notified that if converting the single family residence on the property to a bedroom suite constitutes "substantial improvement" per Section 9.5-4(S-19) then, the structure will be required to be brought into compliance with the standards imposed by the Federal Emergency Management Agency (FEMA). Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds

fifty percent of the pre-destruction market value of the structure, as determined by the Office of the Tax Assessor of Monroe County.

- 10) The "suite" is considered an accessory structure. The combined area of accessory structures must be subordinate to and serve the principal use or structure. Furthermore the "suite" must meet the criteria for allowable addition. An unattached accessory addition to a principal structure with no internal connection to the structure is allowed to have living space to include living room, bedrooms, and a full bath. A full kitchen or wet bar is not permissible.
- 11) The commercial structure was constructed around 1948 and has been continually operated as a commercial retail business since that time. It has been determined the commercial building was lawfully established. The commercial structure on the site is deemed to have a minor conditional use under Section 9.5-2 (c). Based on review of the survey and property record card it has been determined that the total commercial square feet on site is 612 square feet (34 X 18 feet).
- 12) The 612 commercial square is eligible for transfer off-site and must comply with the criteria set forth in Section 9.5-124.3 (10) "Transfer off-site of existing non-residential floor area". Applicant was given the "Application for Development Approval for Transfer of ROGO Exemption Sender Site".
- 13) Based on Section 9.5-283, requires that no structure or building shall be developed that exceeds a maximum height of thirty-five feet. Height means the vertical distance between average grade and the highest part of any structure. Therefore, redevelopment at the site cannot exceed 35 feet in height from the pre-construction grade at the building site or crown of road, whichever is higher.
- 14) Based on Section 9.5-352, requires that there be (two) 2 parking spaces per dwelling unit. Based upon the proposal of one SFR there will be (two) 2 parking spaces required.
- 15) Based on Section 9.5-427, requires that all entrance drives and street intersections shall provide clear sight triangles in both directions. There is one entrance drive at the site with bufferyards. Requirements state that the measurement shall be from edge of pavement of the street to 20, feet back on the drive, and 150 feet from the centerline of the entrance in each direction.
- 16) Based on Section 9.5-262, requires 50% open space in the SR land use district. Section 9.5-343, Environmental Open Space, requires 20% open space for those areas that are essentially cleared now. In this instance there are two habitat types, the disturbed and the remaining portions of hammock on site. Before any clearing could be allowed in the hammock, the cleared portion of the site would have to be 80% used. Clearing could then proceed into the hammock; the clearing allowance there would depend on the quality of that hammock as determined by a "Habitat Analysis" also known as an "HEP". The Biologist will consider setbacks and required landscape and bufferyard areas as open space.

- 17) Based on Section 9.5-281, minimum yard requirement for "Detached Residential" development under a Sub Urban Residential land use district requires: front yard of twenty-five (25) feet; side yards of ten (10) feet and five (5) feet; and a rear yard of ten (10) feet on dry lots. The site has: one (1) front setback of twenty-five (25) feet; two (2) side setbacks totaling fifteen (15) feet, one must be at least five (5) feet; and a rear shoreline setback. Item #20 below outlines district boundary buffers, the most restrictive will apply.
- 18) Based on Section 9.5-349, Shoreline setback, you may have a setback of twenty (20) feet from the edge of lawfully altered shorelines and a setback of fifty (50) feet from the edge of any unaltered or illegally altered shorelines, measured from the mean high tide line or the landward extent of the mangroves, whichever is further landward. The site visit showed an unaltered shore to the south, and a fully altered shore in the boat basin.
- 19) Stormwater run-off from any increase in impervious areas must be adequately addressed with measures such as, but not limited to, guttering and swales. The entire shoreline must be protected from rainwater runoff before other swale areas are used.
- 20) A letter from the U.S. Fish and Wildlife Service (USFWS) will be required. It is suggested that you start the application process now, since these letters take time. The biologist recommends that you send a site plan drawing and photographs of all proposed construction areas clearly showing them to be free of vegetation.
- 21) Maintenance dredging may be permissible in the basin or the entrance channel. Permits for dredging, as well as any increase in dock space within the basin will be required from the U.S. Army Corps of Engineers and the State of Florida Department of Environmental Protection (DEP). These permits can be obtained through filing a "Joint Application" with the DEP; you may call them at (305) 289-2310 to get the application form. These permits also take a long time to obtain.
- 22) There is an existing "boat ramp" on the southern shoreline of the property. This is a non-conforming ramp, since the water depth at the end of the ramp is well below the required 4 feet at mean low tide. A new ramp could, however, be placed into the dredged basin, since the water is over the required four feet there. Permits from the US Army Corps of Engineers (ACOE) and State DEP would be required. (See item #19 above regarding getting permits from the ACOE and DEP for a new ramp.).
- 23) A Class E Major Street Bufferyard will be required on U. S. Highway 1. This bufferyard has a minimum width of thirty (30) feet, and plant numbers depend on the width chosen. Seventy percent of the plants chosen must be Keys native, non-palm. The bufferyard may not interfere with the required Clear Sight Triangles. The Biologist will be happy to suggest suitable plants to use in the bufferyard, and to do the calculations of plant numbers based on the width you select.
- 22) Pest plants were noted on the site at staff's visit to include: Australian Pine, Brazilian Pepper/Florida Holly, and Sapodilla. All pest plants shall be removed prior to the Biologist's final inspection in order to receive a certificate of occupancy.

For further information on land use issues, refer to the Monroe County Code on the web at:

http://library2.municode.com/gateway.dll/FL1/florida1/20245/20246?f=templates&fn=default.htm&npusername=11270&nppassword=MCC&npac_credentialspresent=true&vid=default

If this property is subject to a conditional use approval, the Planning Commission is empowered under Section 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the LDRs and 2010 Comprehensive Plan. In Section 9.5-65 the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the plan and LDRs before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and possibilities for setback waivers detailed in this LOU are subject to the Planning Commission and/or the Planning Director conditional use review and approval.

Pursuant to Section 9.5-43 of the Monroe County Land Development Regulations (LDRs), you are entitled to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations, if the Plan or LDRs are amended the property and/or project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the October 8th meeting, and consequently reserves the right for additional department comment. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three years. The Planning Director upon the request of the landowner may review and reaffirm the representations set forth in this letter for an additional period of time.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Plantation Key office at (305) 852-7100.

Sincerely,



K. Marlene Conaway

Director of Planning and Environmental Resources Department

Cc: David Ettman
James S. Lupino, Esq.
Peter D. Bacheler
Timothy McGarry, Division Director, Growth Management
Aref Joulani, Sr. Administrator, Development Review & Design
David Dacquisto, Director, Island Planning
Joel Reed, Planner
Niko Reisinger, Sr. Biologist, Environmental Resources
Ervin Higgs, Property Appraiser

ADDRESS LIST

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Tavernier, FL 33070

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9990 SW 77th Ave. Suite 302
Miami, FL 33156

